

TOWN OF NEW WINDSOR

PLANNING BOARD

April 27, 2011

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
DANIEL GALLAGHER
HENRY VAN LEEUWEN
HOWARD BROWN
HARRY FERGUSON

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

JENNIFER GALLAGHER
BUILDING INSPECTOR

NICOLE JULIAN
PLANNING BOARD SECRETARY

DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

MEETING AGENDA

1. APPLE RIDGE SUB.
2. OGONOWSKI SUB.
3. NEW CINGULAR WIRELESS SP. RT. 9W
4. COVINGTON ESTATES SUB.
5. VAN LEEUWEN - RT. 207, 80 ACRES

REGULAR MEETING:

MR. ARGENIO: I'd like to welcome everybody to the April 27 regular meeting of the Town of New Windsor Planning Board to order. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

MR. ARGENIO: First off, we're just going to have if everybody would indulge me a brief moment of silence for the passing of County Legislature Lahey, deep roots in our community. So if everybody would indulge me just a quick moment of silence and that's that.

(Whereupon, a moment of silence was held.)

MR. ARGENIO: Thank you very much everybody.

APPROVAL OF MINUTES DATED 3/9/11

MR. ARGENIO: First item on tonight's agenda is the approval of the minutes dated March 9 sent out via e-mail on April 6. Anybody sees fit, I'll accept a motion we accept them as written.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Roll call

ROLL CALL

MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

REGULAR ITEMS:

APPLE RIDGE SUBDIVISION (08-06)

MR. ARGENIO: We'll get right to our regular items. First item on tonight's agenda is Apple Ridge subdivision. Hello, Harry Ferguson has appeared before the board Danny says.

MR. FERGUSON: I was at a wake.

MR. ARGENIO: Apple Ridge major subdivision, the cluster subdivision. This cluster application was previously reviewed at the 28 January, 2009, 11 August, 2010 and 9 March, 2011 planning board meetings. I see Mr. Pfau here to represent this. Tell us what you've done, Joe, where you are going, what you're looking for.

MR. PFAU: At the last planning board meeting there was some comments with regards to lot sizes and in certain areas of the project and what we have done is we have taken the comments we received from the board and we have modified the lots.

MR. ARGENIO: In this area right down in here.

MR. PFAU: And specifically what we have done is there was a cluster block within this circle here, if everybody can see that where we removed two lots, we removed two lots out of this circle, we removed three lots out of this

MR. ARGENIO: If I can just interrupt you for a second, Howard, just as an extension for the benefit of the board, Howard was one that made the comment about a certain area of the project was crowded.

MR. BROWN: Had like a triangle.

MR. ARGENIO: I think that was a great comment and what I did was subsequent to that the next day I or couple days I went to the, I went to Nicole's office and I looked at the plans and I asked Mark to contact the engineer and the additional area I asked them to make that less busy too to try to make those lots a bit bigger as an extension of your thought Howard and I guess Mr. Pfau has done that.

MR. PFAU: That's right. And the third area we have removed three lots along this roadway to widen out those widths because they were at a minimum so what we did was we removed a total of five lots out of this area, we extended the proposed cul-de-sac along this particular roadway with the 20,000 square foot lot, the larger lots and put those lots over here.

MR. ARGENIO: I think you commented Henry about making that bigger so they did what we had asked them to do.

MR. VAN LEEUWEN: Excuse me a minute. What I think is nice about this it's got a lot of open acreage which could be used for horses or anything like that but still it's open.

MR. PFAU: We still are providing 83 percent open space based on this new layout even with the revisions to the lots. And the other thing that was discussed at the that meeting we were asked to prepare a project comparison analysis between this particular project that was proposed and a 49 lot subdivision that received preliminary approval from this board in 2007. We did that, we made that submission, basically what we did we took the environment assessment form Part One for both projects, 49 lots and this project, and we went through them item by item to see if there were changes to the project, based on that, most of the items, there were really no changes, there were actually a couple items that where the impact were actually less with regards to actual site disturbance because of the clustering. But there were obviously areas where there was increases, increases in sewer usage, water usage, traffic, community services, so we made that submission and I'm hoping tonight we can discuss how we're going to move ahead with SEQRA after producing this document and revisions to the plans.

MR. ARGENIO: Let's get to that. I'd like to discuss that too a little bit with my fellow members here. First let me say this and this is in the form of a question to the other members, I think that he's opened this up quite a bit, it seems to me and that was one of our big concerns last time and Howard, you were on the front of that and I think it was a great idea. And as I said, I had, and I asked him to open the other areas up as well and I think they have done a pretty fair job. Are you guys--

MR. FERGUSON: Looks a lot better.

MR. FERGUSON: Absolutely.

MR. VAN LEEUWEN: I have no problem with it, they did a nice job.

MR. ARGENIO: And Joe, you know, you're clustering and that's great but we still want to especially in the west end of the town achieve the largest lot size that's reasonable, let me say, and that's subjective and I think you have done a good job with that. Let's talk about SEQRA just a little bit and guys and I will let you comment on this, Joe, I certainly have concerns here with this, not panicked about it but concerns about the waste water from the sewage treatment plant, what condition is it going to be in when it leaves the sewage treatment plant, concerns about the water plant, how many wells, where are they going to be, is there a potential impact to other residents that could possibly be in the area possibly they could have domestic wells in the area, power, I don't know that it's a concern, that's power, Franny, like electric power, I don't know if there's a concern of the planning board. But is there enough power out there, can you get the Central Hudson electricity to give you for this amount of homes?

MR. PFAU: I will be honest with you, I have never had to ask the utility company if they have enough power. We make a submission and they usually review it for location and those types of things I have honestly never had a rejection or even questioned if they have the available power.

MR. VAN LEEUWEN: They like it cause they want to sell more power.

MR. ARGENIO: That's a good point, Henry. Those are my concerns, Joe, as it relates to SEQRA. Now maybe some of the other members have other concerns but those are the primary things that I'm concerned about. I don't know that I'm panicked about traffic, I mean, out in the west end it's rural, it's going to be busier with the new development of known as Apple Ridge but can you while the other members consider the comment I just made about SEQRA can you shed some light on some of those things?

MR. PFAU: Well, those items that we're planning on

doing a fair amount of reporting for this project.

MR. ARGENIO: What does that mean?

MR. PFAU: We're certainly going to be preparing a study for the sewer treatment plant that would be for this board as well as the DEC. That's a study that has to be performed.

MR. ARGENIO: Is DOH involved in this, Mark?

MR. EDSALL: They will be definitely for the water.

MR. PFAU: That will be another report, there will be a series of water reports, there's going to be a hydrogeological report, we're going to have to do a report on the actual mechanics of the water system, hire a hydrologist, new submissions will be submitted to the board as well as to the Orange County Department of Health.

MR. ARGENIO: Mark, what about potential impacts on other folks' wells? How do we quantify that? How do we look at that?

MR. EDSALL: Interesting question, Dom and I were just discussing that, and that's always been a problem that in many cases has been referred on to the health department as part of their review but Dom and I were just discussing and he was suggesting that the study, the water study could have some potential mitigation for neighbors that have difficulties available to tie into the central system that's proposed here.

MR. CORDISCO: The way that I have handled this in my experience in other municipalities or on behalf of project developers is to require a mitigation plan. If if there's going to be likely impacts, if there are close by wells that are connected in the same aquifer then the mitigation plan would typically involve taking like a base line study of what the well produces on the neighbor's property now before.

MR. ARGENIO: Check their yield now collect their yield later?

MR. CORDISCO: If they come back later on after the project is being developed and claim they are no longer getting the same yields then the mitigation for that would be to require the developer to tie those people

into the new system. That's something that is done and has been done on other projects.

MR. ARGENIO: I think it's important. What do you guys think, Danny or Henry?

MR. VAN LEEUWEN: Well, you know, I live right near there and I will tell you it's, there's three farms involved, one's the apple farm and the other one is the I forget their name and the other farm is owned by fella by the name of Stumpy Dolan and that's his name and he goes by that name, that farm is involved so too there's three farms because they can't get it on account of the railroad bridge is the only way in and out. The only way they can come out is towards Shore Road and personally I think it's a pretty good layout considering all the land that's there.

MR. ARGENIO: I'm okay with that. My concern is as I say the water, the wells for the primarily, the folks across the street. I certainly wouldn't want multiple wells to be sunk in this area and the four houses across the street they go dry, that's an extreme term.

MR. VAN LEEUWEN: I have a well that's 110 feet deep, it generates over 30 gallons a minute, so there's plenty of water in the area, okay, and that's pretty good for that area, it really is good. There's a lot of water, there's a big aquifer underneath there.

MR. ARGENIO: Okay.

MR. PFAU: I'm not a hydrogeologist but in working with them on these type of projects they strain the wells and the typical protocol is that they do monitor.

MR. ARGENIO: I think it's a good idea, Joe, I have sat in this seat and had people do developments and suddenly some neighbor shows up a year later or some such time later and whatever there's an impact either the developer didn't do something right or their well has been impacted. And if it were me, I would be angry so I think that's--

MR. EDSALL: Normally you do a 72 hour test at full capacity and monitor adjoining wells. Dom's suggestion takes it one step further and provides for a longer term protection.

MR. CORDISCO: As part of the plan, there'd be notice

to the neighbors, they'd have the ability to opt in, you'd have to define which neighbors are within the range that should be notified but once they're notified they have the ability to opt in. They might not want to be but in which case if they don't opt in and they can't come back later on and say--

MR. ARGENIO: I agree, let's not beat it up, so you want to talk about the waste water?

MR. PFAU: As far as, well, I mean that would certainly be another report that we're going to be providing both to this board as we said and also New York State DEC. And there will be a series of reports with regard to that. I guess our big question is the format of the environmental reporting, if it would be in an expanded Part Three or hopefully limited environmental impact statement.

MR. ARGENIO: I don't know, Joe, I mean, the package protection as much as it does the town but, you know, that--

MR. PFAU: Oh, yeah, absolutely, that's why I'm not arguing one way or another but I'd like some type of resolution.

MR. ARGENIO: Mark, can you give us some guidance or input?

MR. EDSALL: You're absolutely correct that having the right environmental documents in place is a protection both for the applicant and the town. And it certainly once complete makes it much more efficient to get through the outside agencies, DEC would have an opportunity to comment and then when it came time for issuing permits, the environmental review has been thoroughly looked at and they should be able to act in a more--

MR. ARGENIO: So give us the board members a rundown on the level of scrutiny of the different documents that we're considering here.

MR. EDSALL: Well, what Joe's suggesting is that he would not have an issue, actually sees the benefit of an EIS but that EIS being scoped to address the issues the board at this point has identified of course you have an opportunity if something new comes up to add it but I think you have pretty much touched on the key

issues. You could narrow the EIS to just those issues and at that point there's not a heck of a lot of difference between doing it that way and trying to pound the square peg in a round hole and attach all those documents to a full EAF. You just would keep that scope narrow, you may want to offer to have the applicant submit a proposed scope and then just check it to see if it's addressed all the issues that the board has a concern on.

MR. CORDISCO: The only issue that I caution there is that if the board does decide to require an EIS if you submit a scope, scope does require public comment, SEQRA requirements, excuse me, SEQRA regulations, say if you're going to scope an EIS you have to provide an opportunity for public input and comment which is fine.

MR. ARGENIO: How is that different from any other EIS?

MR. CORDISCO: Scoping is optional, so when you use that word scope, what that means is that triggers that public comment review. There's going to be of course on any EIS a public hearing on the EIS and on the plans so there will be at least one public hearing if you have scope and a document that's called a scope you're going to have two public hearings.

MR. EDSALL: If you want to create a list of the reports, a focus or a list and it's not a scope then you just have that submitted to the board.

MR. CORDISCO: Correct.

MR. EDSALL: Maybe I used the wrong word.

MR. CORDISCO: It's all right.

MR. VAN LEEUWEN: I have two questions. Joe, what stream are you going to put that in?

MR. PFAU: We've got two choices and we haven't studied them yet, it really can flow either direction.

MR. VAN LEEUWEN: Cause one comes out through my land. Is that being considered?

MR. PFAU: I got to be honest with you, Hank, we haven't done the study.

MR. ARGENIO: That's where the raw sewage is going to

go.

MR. VAN LEEUWEN: You know what I'm going to do, I'm going to--

MR. ARGENIO: Do you guys, I mean, I mentioned some things, do you guys have relative to SEQRA an environmental, an adverse impact, significant adverse impacts, do you guys have any other concerns that I'm not, Danny, do you have any other additional thoughts?

MR. FERGUSON: Hank took the question I was going to ask as far as the waste water.

MR. ARGENIO: Joe, I think you should do that.

MR. PFAU: We'll be doing a full SWPPP I would imagine we'll be handing in the document.

MR. ARGENIO: That's not even to be discussed of course.

MR. PFAU: We're going to be disturbing some wetlands, we'll need wetland permits that will be part of the document as well. I would hope we'll be able to propose a list to provide at the next meeting and hopefully have it approved or modified then approved and we can get to work on EIS.

MR. VAN LEEUWEN: Have you dug any test wells cause I've heard the machines back there?

MR. PFAU: From my knowledge, all we have done so far is they have done some initial testing on the existing wells that are out there.

MR. VAN LEEUWEN: Just on the existing wells?

MR. PFAU: Yes.

MR. VAN LEEUWEN: What kind of feedback?

MR. PFAU: I haven't heard anything yet, they haven't done any official testing, just dropped some pumps, the results are in the 70, 80 GPM range.

MR. ARGENIO: That affirms what you're saying, Henry. Let me ask you another silly question, this may be silly but it could be important that infamous map that the DEC maintains with the circles on it, the cultural resource map where arrowheads have been found and such,

have you looked at that? Will you look at that?

MR. PFAU: Yes, we will.

MR. ARGENIO: Will you do an overlay?

MR. PFAU: Yeah, we're going to have to address that and endangered species and all that when we deal with the DEC so we'll do that right up front.

MR. ARGENIO: I don't imagine there will be anything out that way but one never knows.

MR. CORDISCO: You may want to interact with DEC now regarding that issue because we're seeing comments from them on almost every projected requiring you provide some habitat analysis as to whether or not there's Indiana bat habitat that's impacted by this. The reason I mention now is because the time to do studies if you're going to do studies and DEC's going to require you to do studies the time is now.

MR. ARGENIO: So what you're saying, Dom, is a prudent man would get out in front of this thing?

MR. CORDISCO: Yeah, you would not want to be in a situation where in September, October DEC tells you that you have to look for bats but it's too late to look for bats so you lose a season while you're waiting for the bats to come back.

MR. VAN LEEUWEN: If you want some, I know a concern lady in the Town of Newburgh that will bring them right to your door for you.

MR. ARGENIO: Is she an old bat or young bat? What else are you looking for tonight? I'm happy you made and the Supervisor joined us a few moments ago, one of the things we discussed at the last meeting just to give you a heads-up there is a couple of areas of the site that were very busy and the lots were kind of small and we asked through our engineer that he open the areas up a little bit and maybe extend the cul-de-sac and that was Howard's idea and Henry Van Leeuwen suggested the possibility of increasing the frontage on some of the lots and they have done that. So I think he did a good job. What else you need from us?

MR. PFAU: That's it, I mean, what we'll do is submit

the list for the next meeting.

MR. ARGENIO: That would be great.

MR. PFAU: Great.

MR. ARGENIO: Am I missing anything?

MR. CORDISCO: Actually, I think at this point it would be appropriate for the board to adopt a positive declaration to require the preparation of an EIS. It seems that's the course that we're taking and if you don't do that now then you'd have to do it at a future meeting, that's a notice that has to get circulated to all the involved agencies so it would seem like it's appropriate to do that now. It doesn't mean that you have to have the outline or the scope in hand for the EIS to do that but you do have to send that notice around just like you circulated for the lead agency again so Joe, you're going to do the EIS and to precipitate that we need to formally?

MR. CORDISCO: Yeah, you have to say that one's required and the basis here I think remember we have talked about this before is that all you need is one environmental impact to be significant not to trigger the requirement for the preparation of an EIS and here it certainly seems that water is an open issue with likely potential significant adverse impacts as well as waste water and storm water.

MR. ARGENIO: What else is triggered by the pos dec, is there any other?

MR. CORDISCO: There's nothing that's triggered, just a list to let everyone know this is the course that's being taken for the--

MR. EDSALL: Starts the process.

MR. CORDISCO: Enables them to submit the document to us for review.

MR. ARGENIO: Seems as though that's the direction we're going. If anybody sees fit, I'll accept a motion to this effect that we declare a pos dec.

MR. BROWN: So moved.

MR. FERGUSON: Second it.

ROLL CALL

MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Joe, thank you for coming in.

OGONOWSKI SUBDIVISION (11-05)

MR. ARGENIO: Next on tonight's agenda Ogonowski subdivision on Hampton Court. The application proposes the resubdivision of four lots, I'm sorry, of lot four of a former subdivision into two single-family lots. The plan was reviewed on a concept basis only. Just for the benefit of the stenographer, just give her your name and your address.

MR. OGONOWSKI: Andrew Ogonowski, 42 Hampton Court, Rock Tavern, New York. I want to subdivide my lot which is on five acres and I want to make another buildable lot out of it.

MR. ARGENIO: So show us what you want to do, point to the lines you want to move and/or subdivide or whatever you want to do here.

MR. JOHNSON: This is one 4.3 acre lot right here.

MR. ARGENIO: One lot on the right side of the road.

MR. JOHNSON: What we're proposing is to make it into two lots, the dividing line here one lot 2.22 and the other lot 2.61.

MR. ARGENIO: That's it?

MR. JOHNSON: That's it.

MR. ARGENIO: Who owns the lot?

MR. OGONOWSKI: Me.

MR. ARGENIO: How do we handle this business of no further subdivision of the lots?

MR. CORDISCO: Delicately.

MR. ARGENIO: That's what I figured.

MR. CORDISCO: It creates an interesting procedural dilemma that it is.

MR. ARGENIO: The lots he's making you're certain they are bigger than what's in the neighborhood?

MR. EDSALL: Yeah.

MR. CORDISCO: Understood but there was a restriction as I understand placed on the prior subdivision plat approval and that plat is filed and that plat and it's not insurmountable but there are special steps that the board has to take in order to overcome it.

MR. ARGENIO: Why do we have to take steps?

MR. CORDISCO: Well, steps that the board has to be considerate of for instance the case law in New York provides that anyone who bought in, that bought a lot in that subdivision after that plat was filed may have relied on the fact that there was not going to be any further subdivision of that lot across the street. They may have bought specifically because they thought that they were going to be looking out over green land rather than at another home. I'm not saying that they did, I'm just saying what the case law has said. And in light of that, in addition to doing the regular public notice that you would have to do for a public hearing if possible the first step would be if possible if you could get the consent of all the other landowners that are in that subdivision now that--

MR. VAN LEEUWEN: You would have to consent to get that.

MR. CORDISCO: You would have to get their consent or have to notice them and have them come out to public hearing so that would be a notice requirement or you know but the first step would be to see whether or not they consent.

MR. ARGENIO: You're making my hair hurt a little bit here. Let me ask you one direct question. The original subdivision with the note filed in Goshen or note on the plan is it enforceable yes or no?

MR. CORDISCO: Yes.

MR. ARGENIO: So it is lawful then?

MR. CORDISCO: Yes.

MR. EDSALL: Mr. Chairman, one difference that I seem to see is that if you have a deed restriction that was not placed by this board many times planning boards will say it's a deed restriction, it wasn't something we imposed but this is actually a note that's on the

plan that this planning board required as a result of whatever investigation was done and it's on the plat that this board stamped approved.

MR. ARGENIO: Filed in Goshen.

MR. CORDISCO: On that particular point it would be helpful to know why the note was placed there in the first place.

MR. ARGENIO: Do you guys know why?

MR. OGONOWSKI: We made several phone calls to Mr. Cordisco there and they were supposed to be, somebody was supposed to find out and look into it as far as we knew in the past there was problems with the houses across the street where they put the septic systems and stuff like that and the septic ended up running out, the septic was supposed to be behind the houses and they were put in front. And the board then to appease somebody said okay, we're going to fix this by not allowing any further subdivision.

MR. ARGENIO: How are you with your neighbors?

MR. OGONOWSKI: Fine.

MR. VAN LEEUWEN: I would check into that first.

MR. ARGENIO: What I am hearing from you, Dominic, he needs to get a note from all his neighbor's saying it's okay.

MR. CORDISCO: He needs to come back showing that he tried to get notes from the neighbors.

MR. ARGENIO: I have to tell you from where I'm sitting I'm only one member of this board the subdivision does make sense, the other lots seem to be a little smaller.

MR. VAN LEEUWEN: Well, the other lots are all an acre.

MR. ARGENIO: It's in keeping with the neighborhood, I think.

MR. EDSALL: Mr. Chairman, Mr. Ogonowski indicated his recollection or what he was advised. My memory on this application is or the history is that he's absolutely correct that there was a real problem with the sanitariums and the wells being flipped contrary to

approvals and that there were some old sanitary systems there that failed and that the--

MR. VAN LEEUWEN: Three of them.

MR. EDSALL: The board was very upset that there were systems that were being designed, installed and then failed. This series of failures was part of the reason why the town adopted a procedure where sanitary system testing is witnessed so the concern of the past with failures may have been cured by the fact that when Mr. Ogonowski wants to subdivide, he now has to have his perc tests and deep test witnessed.

MR. ARGENIO: Henry, do you remember what year this was this original subdivision?

MR. VAN LEEUWEN: Goes back about 14 years ago, I will tell you who was the building inspector, he works for the county now, you know him too.

MR. EDSALL: Pat Kennedy.

MR. VAN LEEUWEN: Kennedy.

MR. ARGENIO: No, I think that's more than 14 years ago.

MR. JOHNSON: Last map was filed in '98.

MR. VAN LEEUWEN: These were all done by the time that he caught, and when they weren't working they had a problem, that's why they offered to do no more subdivision, okay, they offered that to us if I remember correctly.

MR. ARGENIO: So what do we do? There seems to be no reason why we can't go to county. I think the plan is in a level of fitness that the appropriate, what do we do here?

MR. CORDISCO: You can send it to the county, you know, it's a legal issue that would prevent you at this point without having those issues addressed would prevent you from actually taking action. I think it would be premature to schedule a public hearing at this point because the onus I believe is first on the applicant to do the leg work to see whether or not the neighbors object to having a house at this location, I mean, one of the possibilities is they could come back and all

the neighbors say yeah, we don't have any issue with that the lots actually going to be larger than their lots so that's possibly one potential outcome. If however you have a neighbor that says hey, listen, I bought here because I thought no one was going to build over there then that's a burden that I don't think this board can overcome.

MR. ARGENIO: If that happens, are our hands tied.

MR. CORDISCO: Correct.

MR. ARGENIO: What other thoughts do you guys have?

MR. OGONOWSKI: What if these people purchased before the no further subdivision the planning board put that in to appease?

MR. VAN LEEUWEN: The planning board didn't do that, the former owner did.

MR. OGONOWSKI: The former owner to appease the planning board then said hey, I'm not going to further subdivide this lot just to keep everybody happy, so the planning board put this no further subdivision, why do I have to go do all the leg work to now say is everybody okay with subdividing my lot?

MR. ARGENIO: I can answer that. You bought the lot with the map with the note on it, that's it.

MR. OGONOWSKI: Okay.

MR. CORDISCO: Just to clarify on that issue, I did hear your comment before that calls were made to me, I spoke with Alan Axelrod who I believe is representing you whether he is or not I don't care and Alan and I went through the same process in Cornwall and all his call to me was is to confirm that we had to take these same steps, I said yeah, the same law applies in Cornwall applies in New Windsor, that was the beginning and end of our conversation. I'm not doing any leg work here to check and go knock on my neighbors' doors or go through the files to find out why the note was placed here.

MR. ARGENIO: I think the feedback that you're getting from this group is that I don't think we have any issue with it but we certainly can't break the law.

MR. OGONOWSKI: Right.

MR. VAN LEEUWEN: No, he's going to have to get permission from that or have a public hearing and then you've got to put the notices out anyway.

MR. ARGENIO: I don't think anybody here takes exception to what you're doing.

MR. VAN LEEUWEN: That's something that I'm not familiar with cause I have never seen it but the way it is I have no problem with it.

MR. ARGENIO: You guys okay?

MR. FERGUSON: Yes.

MR. BROWN: Yes.

MR. ARGENIO: Nobody here has an issue but the note does exist on the plan, the official plan, the filed plan and get over that hurdle and we'll do whatever we need to do or can do for you. God please you.

MR. OGONOWSKI: Where do we go from here?

MR. ARGENIO: Dominic?

MR. CORDISCO: Well, the plans are going to be sent to the county, that's what the board is going to do. What you're going to do I would assume would be to speak to your attorney now, the lots that were purchased or created and purchased before this note was put in place, they are not part of this equation, it's only any lots that were purchased after the note was in place because somebody can't claim that they took advantage of a note that didn't exist at the time that they bought or built their house. So but the figuring out which lots those are on which plat that's all leg work that you and your counsel and your advisers have to do and then once you identify those lots you have to what Alan has done in the past was he wrote to those neighbors and said this is what we're proposing to do, here's a copy of the plan, we're creating this lot, this lot's going to be so big, we have this restriction, we're obliged to ask whether or not you have any objections to this. And if you don't, please sign down here saying that you acknowledge and it's okay. And hopefully you'll get notices back. If you don't get any notices back, everyone ignores it or

throws the letter in the mail, throws the letter in the trash then you come back here, report on what you did and then the planning board can decide on the next step which would likely be a public hearing, a mandatory public hearing on that point with notice once again to those particular neighbors whether or not they are within the range that would typically require public notice.

MR. ARGENIO: Certainly appear to be within the range.

MR. VAN LEEUWEN: There's another way you can do it, you can take the map, knock on every door and have a letter that can be signed. If they want to sign off that night, sign off. Okay, you won't have to get a lawyer involved or nothing, you do it yourself.

MR. CORDISCO: Right.

MR. VAN LEEUWEN: And that actually is the best way to do it.

MR. ARGENIO: Face-to-face.

MR. VAN LEEUWEN: Face-to-face in the eye.

MR. CORDISCO: I didn't want to take any work away from Alan Axelrod.

MR. ARGENIO: There is a good piece of advice from an old salt that makes a lot of sense to me. Okay?

MR. OGONOWSKI: Only from the people who--

MR. CORDISCO: You have to identify the lots that were purchased after that plot, after the plat was filed.

NEW CINGULAR WIRELESS (10-20)

MR. ARGENIO: New Cingular Wireless. Application proposes New Cingular on the existing Petro Plumbing site. The plan was reviewed on a concept basis only. Counselor, how are you?

MR. MORANDO: Good evening, my name is Anthony Morando, attorney from the firm of Cuddy & Feder here on behalf of AT&T, I believe you all know who I am. We haven't been here since January, as you all know, so since that meeting we took this board's advice and we compiled and completed a full additional alternative site analysis now including all sites in the area, alternative site, this alternative site analysis is a supplement to the original one submitted. We submitted to this board which we are here to discuss tonight for purposes of providing a summary of this evaluation and to discuss a potential proposed alternative site that we have identified so I will just get into briefly the result of this evaluation. As a result, we identified and leased the property located at 2989 Route 9W in New Windsor, it's also known as the Petro Plumbing and Heating site.

MR. VAN LEEUWEN: That's Petro.

MR. MORANDO: We have had discussion about this, we have been referring to it either way so I apologize. First I will let the board know this site does meet our RF objectives.

MR. VAN LEEUWEN: I thought you couldn't find another.

MR. MORANDO: If I have to clear that up it was not an alternative site, I really don't want to get into it.

MR. ARGENIO: You have the site now, that's the important thing, Mr. Morando.

MR. MORANDO: Different level of alternative site, it was a different, it wasn't a co-location alternative at that time.

MR. CORDISCO: They looked, their prior search was only for sites that had towers on them already.

MR. ARGENIO: At the end of the day, we're happy that you have found an alternate site and now let's talk

about this.

MR. MORANDO: Okay, so this site I believe you all have our alternative site evaluation, if you don't have a copy in front of you, I did bring a copy of the preliminary site plans and ariel that I can provide to you if you need it. That being said, this site is located on the west side of Route 9W immediately to the north of Anthony's Pier 9 which I believe was one of the sites that was raised at the prior meeting. We got as close to Anthony's Pier 9 as we possibly could, this is set back a good distance from the Hudson River, it contains natural screening in the property which will also provide potential visual impacts and offers a location on the rear of the property so the monopole can be set behind the front area of existing structures.

MR. ARGENIO: What's that mean?

MR. MORANDO: What I am saying by that is for instance, it's not within the viewshed of the Hudson River from Coloni which was the primary concern of this board so what I mean by that is if you can look at the drawing it's set to the back.

MR. ARGENIO: Is your engineer here?

MR. MORANDO: No, I'm sorry.

MR. ARGENIO: Go ahead. Which plans?

MR. MORANDO: These are just our preliminary.

MR. ARGENIO: Is this the hotel site?

MR. MORANDO: Yes.

MR. ARGENIO: I don't understand what I'm looking at.

MR. MORANDO: If you look at Exhibit B of our submission that's the, I don't know that's the original submission. This is our alternative evaluation, that's the Windsor Motel.

MR. ARGENIO: We don't need that.

MR. MORANDO: Exhibit B. I provide, it looks like you need a copy, here's an additional copy of a larger version. This is just Exhibit B of your evaluation of

the alternative site evaluation. This is the preliminary, these are what's called lease exhibits, they are attached to a lease to identify the proposal.

MR. ARGENIO: Now we're all dancing to the same sheet of music as it were, so go ahead.

MR. MORANDO: So again, what I mean by that is instead of where for instance the Coloni building it's located further back from the Hudson River.

MR. VAN LEEUWEN: Coloni building you mean?

MR. MORANDO: I'm putting my accents on the wrong vowels.

MR. VAN LEEUWEN: Petro's a big name in this town, we have to keep that straight.

MR. MORANDO: I won't let him know that I said Petro.

MR. VAN LEEUWEN: Even in Italy there's a town called Petro, I actually saw it.

MR. MORANDO: I actually know that. So a long story short here is we believe that this is the most viable alternative site in the area that would meet our RF goals and we're here tonight basically to get the board's feedback, their reaction to this alternative site to inform the board we anticipate filing additional materials with this evaluation for this site just to let the board know we're here to work together, try to come to a resolution.

MR. ARGENIO: As we always have in the past.

MR. MORANDO: True.

MR. ARGENIO: Right, Leo?

MR. BRAUN: I don't know nothing.

MR. ARGENIO: It appears that there's a bit of clearing that is going to be required in the back there to land your equipment on your tower.

MR. MORANDO: Because the more you need, the more you clear so to keep it in that location it would be necessary to clear some trees. Again, do we have visuals here yet?

MR. MORANDO: No, we'll have and we're working on zoning drawings as well as we have been doing a lot of the work as you can see in the last few months we have zoning drawings just about ready to be provided to the town, we have a visual analysis ready to be submitted to the town in the next couple days. So our goal here is to just again discuss this preliminarily with the board, get your initial feedback and get those materials to you as soon as possible.

MR. ARGENIO: Why do I have a letter from Joe Bonura? What's the sum and substance of it?

MR. MORANDO: That's an exhibit referenced. Essentially, we went out to Anthony's Pier 9, we went to the owners and we discussed the proposal of putting a tower on that site that's a rejection letter from Anthony's Pier 9 stating that regarding the issues identified in that letter they're not interested.

MR. ARGENIO: They don't want the tower on their property?

MR. MORANDO: We did the next best thing, we went as close as we could to that area.

MR. ARGENIO: Okay, what else can you tell us?

MR. MORANDO: I guess I'm looking for comments from the board at this point, I can tell you I can go on but nobody usually likes to hear lawyers talk.

MR. ARGENIO: Is Tectonic going to create an appropriate plan that shows the other lots in the vicinity?

MR. MORANDO: This is just a preliminary of the part of our evaluation we'll have full zoning drawings.

MR. ARGENIO: I think the goal was and again fellow members correct me if I'm wrong, the biggest concern was the fact that you were right in the Coloni Funeral Home viewshed, problem here is you're going to be in viewshed of the Town Supervisor's house but that's a different issue.

MR. MORANDO: Well, I wasn't aware of that but--

MR. VAN LEEUWEN: So you better move it.

MR. ARGENIO: So I think and again speak up anybody if you disagree with me, I think you have gotten out of that viewshed and I'm not exactly intimately familiar with this area but it seems to me you're kind of up on the hill with woods around you and the goal is I mean nobody wants to see these things, you know, they are--

MR. MORANDO: Which we're trying not to.

MR. ARGENIO: Everybody wants cell phones but nobody want to see them.

MR. VAN LEEUWEN: Nobody wants to see the towers, that's a big problem.

MR. ARGENIO: Looks like you're moving in the direction. Mark or Dominic, maybe so we had an original application for a tower on the motel, we declared a pos dec and we said okay, you really need to find someplace else because this is, it's our opinion this is a bad idea, applicant goes out, finds another location, now another parcel, et cetera, et cetera, et cetera, has issued us some concept drawings to get a little bit of feedback from this board. So now it would seem to me they would file a new application with the new lot and description, et cetera.

MR. CORDISCO: That's one option.

MR. ARGENIO: What's the other option?

MR. CORDISCO: The other option would be to package this material together with visual analysis in with their DEIS called for on their other application and the only reason to do so would be let whether AT&T wants to keep the other application in process.

MR. ARGENIO: I don't know, why would they want that? I don't understand

MR. CORDISCO: I can't speak for AT&T but I think that one of their options as you pointed out is to submit a new application for this particular location.

MR. ARGENIO: Isn't that what you have to do is submit a new application? It's a brand new lot, Henry, it's a different piece of property.

MR. VAN LEEUWEN: Yes, but they can leave the other one

open.

MR. EDSALL: The better method is to have the new application and if the new site moves forward positively they can always withdraw the other application.

MR. MORANDO: Exactly.

MR. ARGENIO: Do you guys have any comments?

MR. BROWN: I just want to see the visuals.

MR. ARGENIO: Me too, we'll get to that. Harry, from a conceptual point of view?

MR. FERGUSON: Yes, actually, it's good.

MR. VAN LEEUWEN: It's much better than it was before but I would like to see it look like a tree.

MR. ARGENIO: Dominic, are we and Mr. Morando, counselor, we're in agreement that you're going to submit a new application for this new location, is that correct?

MR. MORANDO: Yes, we're going to submit, yes.

MR. VAN LEEUWEN: And withdraw the other location?

MR. MORANDO: Well, sort of what Mark just described we'll file a new one, try to get as much feedback, is it a separate application that will sit and the goal is to move forward with the Petro site.

MR. ARGENIO: Why would the old application sit in a dormant state occupying space in our building and your building?

MR. MORANDO: Well, it's already there, we wouldn't be adding anything else.

MR. ARGENIO: Dominic, what's going on, something's going on?

MR. CORDISCO: I'm glad you raised that. In Mr. Morando's letter to the board, he does make his record clear that in AT&T's belief the shot clock time periods are continuing to run. We disagree with that position. We have disagreed with that position in the past. We

believe that the Windsor Motel application is incomplete until such time that they submit the DEIS for that location. Now, if they want to submit a new application for the Petro site and have it looked at on its merits, they are free to do so. But if they are going to keep the Windsor Motel application dormant then it has to be on an acknowledgment that the shot clock is not running because we don't want to be in a position later on where they come back and say the shot clock ran on that and now it's approved by default because we didn't process it.

MR. VAN LEEUWEN: That's what I'm getting at.

MR. CORDISCO: This board has been clear that you required an EIS, one of their options is to just submit the EIS with this information now that they are presenting to you tonight as an alternative that would be one step they can take and keep that application alive. But if they want to move to this new location they let, either have to withdraw that application or in my opinion I don't have a problem personally with them keeping the dormant, provided that they acknowledge that the shot clock timeframes are suspended until they submit an EIS for that site.

MR. ARGENIO: You're going to make this hard or make this easy.

MR. MORANDO: Again, I wish I had more feedback from the board on the Petro site.

MR. ARGENIO: You just got feedback, did you hear anything adverse about it?

MR. MORANDO: No.

MR. ARGENIO: That's a question to you.

MR. MORANDO: No.

MR. ARGENIO: What I heard was we would like a little bit more information, likely some visuals, float the balloon, we want, certainly reserve our option to have some photosims so we can have a discussion of what we feel would be most appropriate in our town at that location. Beyond that unless you heard something that I didn't there was no other negative commentary.

MR. MORANDO: No, I understand that.

MR. VAN LEEUWEN: Yes, I would like to see the other one withdrawn and then we'll go further with this one but our counselor is on the same wavelength that I am on cause I know what can happen after 90 or 60 days whenever that period ends, I want that withdrawn.

MR. ARGENIO: What are going to do?

MR. MORANDO: Well, as far as I have to say I somewhat disagree with the idea that AT&T can't simply file a new application for the Petro site without acting and making a consent this evening but again we're trying--

MR. VAN LEEUWEN: That's the way it is cause you'll never get my yes vote until that's done.

MR. MORANDO: I'd have to confer with my client.

MR. ARGENIO: You should probably do that.

MR. MORANDO: Again, this is getting a feeling of adversarialness that's why we went out and worked really hard on this site.

MR. ARGENIO: Which has been acknowledged as part of the record tonight and the opinion, the feeling, the flavor of this board is also part of the record, it's important to note that.

MR. MORANDO: Got it, okay. So I will have to confer with my client before making any consents tonight but I would like to leave the board knowing that we are working hard to file with the Petro site, that's our goal now and I will--

MR. VAN LEEUWEN: So then you should have no problem withdrawing the other one.

MR. MORANDO: As an attorney, I need to confer with my client.

MR. CORDISCO: He's the attorney, he doesn't have the authorization to make that withdrawal.

MR. VAN LEEUWEN: I understand that.

MR. ARGENIO: But you also have the benefit of standing here and looking all of us in the eye and hearing the commentary you're hearing.

MR. MORANDO: I appreciate that.

MR. ARGENIO: Nobody's a big fan of cell towers, you were asked to do something and you somewhat begrudgingly you did it and that's important to us.

MR. MORANDO: Appreciate that, Mr. Chairman.

MR. ARGENIO: What else do you want from us tonight?

MR. MORANDO: Nothing.

MR. ARGENIO: Counselor?

MR. CORDISCO: Nothing further other than we have on the transcript that we disagree with the position in their letter, I don't want to go through it point by point and I'm sure that they don't want to.

MR. ARGENIO: Let's clean this up, Anthony, and let's start with this and let's move, okay?

MR. MORANDO: Okay.

MR. ARGENIO: Thank you.

MR. MORANDO: Thank you for hearing us tonight. I appreciate it.

MR. ARGENIO: Covering Estates. Application proposes creation of 125 lots with 124 multi-family units which were the subject of a prior site plan approval. I think two prior site plan approvals, Mark?

MR. EDSALL: Same site plan, multiple approvals.

MR. ARGENIO: Application was previously reviewed at the 13 October, 2010, 17 November, 2010 and 12 January, 2010 planning board meetings. To refresh the memory of the members, this is the one over on Route 300 near the railroad tracks. Mr. Winglovitz has been here quite a few times.

MR. BROWN: Near Continental Manor.

MR. ARGENIO: Correct, just south of that, they had approval for their units, et cetera, and they wanted to--

MR. VAN LEEUWEN: Like the third or fourth time they want to change it.

MR. ARGENIO: No, let's be clear, they wanted to change it once from a conventional either townhome or condo, I forget which to a zero lot line package to take advantage of better ability to market the units because the financing is more appealing for the banks, if I misspeak, correct me.

MR. CORDISCO: No.

MR. ARGENIO: So they came to us and did we approve it, we approved it, did we not?

MR. CORDISCO: Yes.

MR. ARGENIO: We approved the zero lot line so tell us Mr. Winglovitz.

MR. CORDISCO: You approved the site plan actually back in 2006 site plan for multi-family development at this location so it would have been either a condominium or a single owner owning the entire project at that time. That was done in 2006 and they have kept the approvals alive since then, of course the market was softening at that time and then the bottom fell out so they haven't been in a position to start construction and as you mentioned the financing has been an issue, they are now

applying to subdivide each individual unit into its own lot.

MR. ARGENIO: That's what we're here for tonight.

MR. CORDISCO: Yes, and that required town board approval as well, they have obtained town board approval, that's the Planned Unit Development piece of this application they have obtained that.

MR. ARGENIO: This is the zero lot line application?

MR. CORDISCO: Correct.

MR. ARGENIO: And part of that is the fact that they need town board approval which you have achieved.

MR. WINGLOVITZ: Correct.

MR. EDSALL: March 2, 2011.

MR. ARGENIO: Oh, you're fantastic, Mark.

MR. EDSALL: Got numbers for you.

MR. CORDISCO: On top of that you previously adopted a negative dec for this particular application so the only thing that's before you tonight would be preliminary and consideration of possible final subdivision approval if there's no issues with the board.

MR. ARGENIO: So we're--

MR. VAN LEEUWEN: But this is the third time they came one time they came to us and they wanted to split it in threes, you remember same subdivision they wanted to split it in threes but they couldn't do it.

MR. WINGLOVITZ: There was a phasing, correct.

MR. VAN LEEUWEN: This is the third time they are here for the same piece of land, not that I am against it, don't get me wrong.

MR. ARGENIO: Just trying to be clear. Go ahead.

MR. WINGLOVITZ: I have a plan if you'd like to see it and if we --

MR. ARGENIO: The layout's not changed?

MR. WINGLOVITZ: Has not changed.

MR. ARGENIO: Not at all?

MR. WINGLOVITZ: Not at all.

MR. VAN LEEUWEN: They keep you pretty busy, don't they?

MR. ARGENIO: I want to read from Mark's comments just for a moment, if everybody will indulge me, obviously everybody's already heard that the town board has issued their affirmative response to this zero lot line change in the form of PUD status of some procedural items, public hearing held on 1/12/2011, we heard back from county local determination, town board granted that permit as Mark said on 3/2 of '11, negative dec was issued on 1/12 of 2011 and I think unless Dominic or Mark correct me to a great extent tonight procedurally more than anything else, Ross, do you have anything to add to that?

MR. WINGLOVITZ: I do not.

MR. ARGENIO: Does anybody have any questions on this application?

MR. FERGUSON: Still proposed phasing?

MR. WINGLOVITZ: As far as the construction, yes, it will be phased, the town engineer as far as what improvements we need to do as far as what buildings.

MR. ARGENIO: It's I believe, correct me, Mark, if I misspeak that under the original approval the timing of the amenities and such was addressed with no ambiguity.

MR. EDSALL: This particular project did not have a common building.

MR. ARGENIO: It had a small parking area if I remember correctly.

MR. EDSALL: Yes, as you come in on the left really I think it comes down to utilities what's going to drive the both on the sequencing.

MR. WINGLOVITZ: Yes.

MR. CORDISCO: One issue that the board should consider and I have taken the liberty of drafting an approval resolution and it contains this, this is the second Planned Unit Development approval that you would be entertaining tonight. The first being of course The Grove at New Windsor and the issue there was a little bit distinct from this application but the concern is the same. For The Grove there was an existing homeowners' association for condominium and that there was now new lots that were going to be created in a second phase and we wanted to make sure that the homeowners' association itself was amended to include those lots. And we included that as a condition as part of that approval both a note on the plan and a declaration that actually gets recorded in the County Clerk's Office. And we wanted to ensure that that homeowners' association amendment was done prior to anyone coming and asking for Certificate of Occupancy to live in any of those buildings because we wanted to be sure that they were going to take part in the maintenance and ownership of all common areas. Here there's going to be a homeowners' association that takes care of and owns and maintains the common areas. The issue is the same in the sense that once they obtain final approval and they satisfy all the conditions they could file the plat and they could actually even sell lots or multiple lots say to other builders and those builders may not, the homeowners' association if we didn't require a condition about it the homeowners' association might never get filed or a approved by the Attorney General's office. So I built in the same conditions in this approval that we did for The Grove because we already went through that process.

MR. ARGENIO: Thank you, Dominic. Harry?

MR. FERGUSON: No.

MR. GALLAGHER: Nothing.

MR. VAN LEEUWEN: No, I don't, basically I think not that I'm against it, I'm not against it at all but never mind.

MR. ARGENIO: I'll accept a, if anybody sees fit, I'll accept a motion we offer final approval subject to Mark's comments.

MR. FERGUSON: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Final approval to Covington Estates subdivision subject to Mark's comments. Roll call.

ROLL CALL

MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Thank you, Ross, for coming in.

DISCUSSION

VANLEEUEWEN - ROUTE 207 - 80 ACRES

MR. ARGENIO: Last on tonight's agenda VanLeeuwen what I hope, I think should be a pretty simple thing, a discussion item, Van Leeuwen, Route 207, 80 acres. Mark, you want to?

MR. VAN LEEUWEN: You want me to leave? I'm not asking for subdivision right now.

MR. ARGENIO: You're keyed into this, yes?

MR. EDSALL: Just discussed it with Hank tonight, I

think they've got a presentation.

MR. WINGLOVITZ: You want me to leave? I'll leave.

MR. CORDISCO: You just have to step down, you don't have to leave.

MR. ARGENIO: Go in the audience, watch from that side.

(Whereupon, Mr. Van Leeuwen stepped down from the board for this discussion item.)

MR. ARGENIO: Mark or Jennifer, this, it's my understanding that this is as simple as paintball, the same as over on Mt. Airy Road. Who are you folks? You guys are standing here.

MR. DINA: We're actually the people that would like to lease the property, my name is Phil Dina.

MR. GOFMAN: Ilya Gofman.

MR. DINA: We're actually going to be running the operation that we're going to be proposing and we're actually a team that's going to be playing on the property.

MR. ARGENIO: Paintball?

MR. DINA: Airsoft, it's a little different.

MR. ARGENIO: What is it?

MR. DINA: Everybody is familiar with paintball, it shoots a 68 caliber spherical non-toxic projectile.

MR. CORDISCO: And it hurts if you get hit in the wrong place.

MR. DINA: Yeah, you're right. The inventors decided in the '70s that the trauma was about between 13 and 17 jolts of energy, that's the ouch part, it can leave a welt depending on how close you are. Airsoft is an 86 percent reduction in the amount of energy. The spheres that we shoot are starch pellets and they biodegrade. We're considered a green team. The paintballs are non-toxic, if you get it in a cut or in your mouth, you're not going to keel over but--and we brought some for the board and the chairman to look at, they are basically starch pills and the next rain they

degrade into the ground.

MR. ARGENIO: Including the shell?

MR. DINA: There is no shell.

MR. ARGENIO: So it's hard starch?

MR. DINA: It's a starch pill.

MR. FERGUSON: Shot with compressed air.

MR. DINA: When you say compressed air, it's a little different, airsoft uses a battery to propel a piston. When you play paintball, you use CO2, CO2 is a green gas violator, we don't do that.

MR. ARGENIO: What do you do?

MR. DINA: It's a spring battery so there's no green gas impact.

MR. ARGENIO: You have wars with these, same concept?

MR. DINA: Same concept, it's a little different in that the trauma's significantly reduced.

MR. CORDISCO: Does it leave a mark on somebody when you shoot them so you know that you shot them?

MR. ARGENIO: I bet he's got a gun in the car.

MR. DINA: I will bring it in, we do, it's a game of honor for us, paintball you sit down and try to wipe it off and you don't in our particular game we play at a much higher level, call yourself out, go out of the game, the next 15 minutes the game will restart and it cycles.

MR. ARGENIO: Do you operate any other facilities?

MR. DINA: We have one field in Wayne, New Jersey that's under water right now, it's 15 acres under six feet of water.

MR. ARGENIO: So, okay, thank you. Don't leave though.

MR. DINA: No.

MR. ARGENIO: Mark, what have you?

MR. EDSALL: Normally, the only thing the board considers on this is the proximity to any adjoining residences or to property lines to make sure that the or roads, make sure that the projectiles, that the range of the projectiles you take that range and leave a little safety factor, make sure that you cordon off the area, make sure they don't go beyond that point, that's one of the primary things you have done in the past.

MR. GALLAGHER: What about noise compared to a regular paintball gun?

MR. DINA: There's no noise, totally silent, no bang, no pop, nothing.

MR. ARGENIO: Jen, I notice you're politely mute, what have you?

MS. GALLAGHER: I would need to know are you guys planning on putting up any sheds for storage?

MR. DINA: No.

MS. GALLAGHER: It's just going to be open land?

MR. DINA: Not, well, they are going to be pushing around some trees to make bunkers, they are going to make non-habitable props like they'll put up let's say part of a barricade if you will.

MR. ARGENIO: But these are temporary and they can be moved.

MR. DINA: No foundations, no roofs.

MR. ARGENIO: Do you play in the woods or field?

MR. DINA: Mostly the woods cause you need the cover of the trees cause you're not competitive if you will in your, in open field

MR. CORDISCO: You need something to hide behind.

MR. ARGENIO: Well, it's easier for some more difficult for others hiding behind things but that's a different story. So if my memory serves me, we had a similar proposition over at the bubble for lack of a better term on Mt. Airy Road, again, my memory serves me, Jen,

when I'm done correct me if I misspeak, I don't think we made a real big deal about it. My thought was most of the appurtenances were temporary and made it abundantly clear to the applicant if we receive a bunch of complaint that people are getting their cars shot with paintballs or there's paint on things where it's not supposed to be, you're going to have an issue, we're going to shut you down, pull the plug. My memory serves me correctly Jen?

MS. GALLAGHER: Correct

MR. ARGENIO: Talk to me, Jen.

MS. GALLAGHER: It's the same thing if the board's fine with it the building department's fine with it, it's going to be the same thing if we get a lot of complaints there's going to be issues.

MR. DINA: We understand.

MR. ARGENIO: We'll stop you, that's the issue, you'll stop doing what you're doing.

MR. DINA: Understood.

MR. ARGENIO: You guys have any other? Can you guys see any pitfalls?

MR. GALLAGHER: Maybe a noise issue, residents hearing popping going on but if there's no noise, I don't think we'll have any issues.

MR. EDSALL: The issues normally are that there's a place for the participants, I'll use that word to park so they're not parking on neighbors' properties or on the road or something else causing a nuisance, that they have setback from the property lines and other occupied area so they don't create a nuisance or a damage to any other areas but this is a basically a wooded area as long as they follow those.

MR. ARGENIO: Eighty acres, is that right? It's huge.

MR. EDSALL: As long as they understand those guidelines there's not a lot here.

MR. GALLAGHER: Where is the parking going to be off what road off 207?

MS. GALLAGHER: How are you going to access?

MR. VAN LEEUWEN: We're putting in a new road that's what I have to show you, I just want to bring you up to date on the map where the new road is going to go and they are going to be able to--

MR. ARGENIO: So there's going to be a driveway I guess coming in?

MR. VAN LEEUWEN: We're applying to the state for it.

MS. GALLAGHER: Coming in off 207 or Toleman?

MR. VAN LEEUWEN: 207.

MR. EDSALL: This by the way in speaking with Hank the location of the access is exactly over the location that was considered in previous workshop sessions for a long term use of the property more permanent use of the property so he's merely developing that access not paving it.

MR. VAN LEEUWEN: No.

MR. EDSALL: Just going to grade it and put Item in there.

MR. ARGENIO: No permanent structures?

MR. DINA: None.

MR. ARGENIO: No buildings? If you're going to have a--

MR. DINA: Our insurance company won't allow it.

MR. ARGENIO: Port-a-John or any, all your customers will park inboard on the property, they won't be parked on 207? Going to be very clear about that, they won't be parked on a town road or 207, they'll be inboard somewhere in the field?

MR. DINA: Understood, yes.

MR. ARGENIO: Somebody put a bunch of fill in one corner of the property, be careful, it could be soft, one never knows.

MR. EDSALL: I remember that.

MR. ARGENIO: I don't have any issues. Do you guys have anything?

MR. GALLAGHER: No.

MR. EDSALL: Only word of caution to Hank if his intent is to put that access drive in and have the ability at some time in the future to have that road meet a standard of either a private road or a shared commercial accessway or even a town road he should coordinate with the town the proper inspection so the records are kept because as we have talked about you don't want to do it twice so if we can document the right material going in the right placement that record stays with the town.

MR. ARGENIO: I think this is a great activity, I shouldn't insert my personal note but I think it is, I have done it before with my kids and it's, you'd be shocked at how exhausted you are at the end, utterly shocked.

MR. EDSALL: Especially when you're kids shoot you a lot.

MR. DINA: Or you shoot your kids.

MR. ARGENIO: So what do we need to do, anything, do we need a vote?

MR. CORDISCO: There's nothing.

MR. ARGENIO: It's yours, Jen. But sir, understand if there's complaints, it's your problem.

MR. DINA: Understood, sir. Also just so you know that's a month to month thing.

MS. GALLAGHER: There's going to be no signs?

MR. DINA: We would ask a small sign just so people know where to come in the driveway.

MR. ARGENIO: Little folding temporary sign?

MR. DINA: Mailbox sign 24 by 24 up on a post and we'd make the proper applications just so people know where to come in, 80 acres is really big, we plan on having a rather large buffer, we call it a buffer zone around

the contiguous properties so we want to make sure that they come down the right road.

MR. ARGENIO: We're handling this consistent with the way we have handled the other applications as long as there's no issues and no complaints you're in great shape. Thank you. Anything else? Motion to adjourn?

MR. BROWN: So moved.

MR. GALLAGHER: Second it.

ROLL CALL

MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth
Stenographer